

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Jeremy Thoen,

Plaintiff,

vs.

NewTeam LLC,

Defendant.

Case No.: ____ (___/___)

NOTICE OF REMOVAL

TO: The Clerk of the United States District Court for the District of Minnesota, United States Courthouse, 300 South Fourth Street, 202 U.S. Courthouse, Minneapolis, MN 55415; and

Plaintiff above-named, by and through his counsel of record, Ryan H. Ahlberg, Braden D. Ahlberg, Ahlberg Law, PLLC, Union Plaza Buildings, Suite 300, 333 Washington Avenue North, Minneapolis, MN 55401.

PLEASE TAKE NOTICE that Defendant NewTeam LLC. (hereinafter “Defendant”) submits this Notice of Removal to the United States District Court for the District of Minnesota, to remove the state court action described below pursuant to 28 U.S.C. §§ 1331, 1441 and 1446. In support of this removal, Defendant respectfully states as follows:

INTRODUCTION

1. On May 27 2021, an action was commenced in the Second Judicial District Court, Ramsey County, Minnesota, entitled *Jeremy Thoen v. NewTeam LLC* (the “State Action”) by service of the corresponding Summons and Complaint upon Defendant on such date. A true and correct copy of the Summons and Complaint are attached hereto as Exhibit A.

2. Jeremy Thoen (“Plaintiff”) is a Minnesota resident and former employee of Defendant who alleges that she was improperly terminated from his employment in violation of the Family Medical Leave Act, 29 U.S.C. § 2601, et seq. (the “FMLA”) and the Minnesota Human Rights Act, Minn. Stat. § 363A.03, et seq. (the “MHRA”)

3. Pursuant to an agreed seven-day extension, Defendant served its Answer to Plaintiff’s Complaint on June 23, 2021. A true and correct copy of the Answer is attached hereto as Exhibit B.

FEDERAL COURT JURISDICTION

4. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331. Plaintiff’s Complaint alleges a cause of action arising pursuant to Title 29 of the United States Code.

5. This Court has supplemental jurisdiction over any state law claims under 28 U.S.C. § 1367 because such claims are so related that they form part of the same case or controversy, do not raise novel or complex issues of state law, and do not substantially predominate over federal claims. 28 U.S.C. § 1367 (c).

VENUE

6. The United States District Court for the District of Minnesota embraces the county where the State Action was filed, and thus, venue is proper pursuant to 28 U.S.C. § 103(3).

TIMELINESS

7. This Notice of Removal is timely under 28 U.S.C. 1446 because it is filed within 30 days of the State Action being served on Defendant on May 27, 2021.

28 U.S.C. § 1446 COMPLIANCE AND RESERVATION OF RIGHTS

8. Pursuant to 28 U.S.C. § 1446(a), Defendant is required to attach to this Notice a copy of all process, pleadings, and orders served upon them. As previously noted, the Summons and Complaint are attached to this Notice as Exhibit A and the Answer is attached as Exhibit B. The attached Exhibit A and Exhibit B constitute the only documents now known by Defendant to have been filed or served in the state action.

9. This Notice of Removal is signed by counsel for the Defendant pursuant to 28 U.S.C. § 1446(a) and Rule 11 of the Federal Rules of Civil Procedure.

10. As required by 28 U.S.C. § 1446(d), Defendant will file written notice of this removal with the Court Administrator of the District Court for the First Judicial District for the State of Minnesota, Dakota County. A true and correct copy of the Notice of Filing of Notice of Removal to be filed with the state court is attached hereto as Exhibit C. In addition, copies of the Notice to the state court, together with this Notice of Removal, will also be served upon Plaintiff, by and through his counsel, as required by the Rules of this Court.

11. By filing this Notice of Removal, Defendant does not waive any defenses, or concede that Plaintiff has stated any claims upon which relief may be granted. In addition, if any questions arise as to the propriety of the removal of this action, Defendant requests the opportunity to brief any disputed issues and to present oral argument in support of its position that this case is properly removable.

WHEREFORE, Defendant NewTeam LLC removes this action from the Second Judicial District for the State of Minnesota, County of Ramsey, and respectfully requests any further relief, general or specific, at law or in equity, to which it may be justly entitled.

FOLEY & MANSFIELD, PLLP

Dated: June 23, 2021

By: s/ Lisa M. Lamm Bachman

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